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C O N F I D E N T I A L SECTION 01 OF 02 TOKYO 004043

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SUBJECT: UNCERTAINTY CLOUDS TERMS OF DIET DEBATE ON OEF  
EXTENSION

Classified By: CDA Joseph Donovan, Reasons: 1.4 (b/d)

11. (C) Summary: The terms of debate in the upcoming Diet review of the Anti-Terror Special Measures Law that governs Japan's contribution to the OEF Maritime Interdiction Operation (MIO) are still unclear. Direct negotiations between the ruling LDP coalition and opposition Democratic Party of Japan (DPJ) have yet to begin, with key legislators in both camps uncertain over the positions of their own leadership. All agree that the new cabinet offers an effective team to manage the upcoming Diet debate. However, public offers by the new Abe cabinet to engage discussions on a compromise extension law were quickly rejected by the DPJ leadership.

12. (C) While the media reports compromises or revisions of the law are in the works, Embassy Tokyo contacts in the bureaucracy and the Diet say no work has been done as yet to write specific proposals. Observers on all sides say that the fate of the MIO mission will ultimately depend on whether or not DPJ leader Ichiro Ozawa decides to exploit the issue for tactical domestic political advantage. The Japanese government's biggest fear is that Ozawa will use his new Upper House majority not to vote down the bill, but to drag out deliberations for the 60 days allowed under Diet rules, effectively ending the MIO mission when the current authority runs out on November 1. Increasingly, editorials suggest that "foreign pressure" (gaiatsu) is the only effective lever the government and ruling coalition have to persuade Ozawa to take the high road. End Summary.

More Questions Than Answers  
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13. (C) Japanese national security officials and legislators in both camps say they are uncertain over how the debate on an extension of the Anti-Terror Special Measures Law will play out in the Diet session that will open on September 10. Senior members of the new cabinet, including Foreign Minister Nobutaka Machimura, Defense Minister Masahiko Komura, and Chief Cabinet Secretary Kaoru Yosano, have made clear that securing an extension of Japan's MIO mission is at the top of the agenda in the upcoming session. Suggestions by Yosano and Machimura that the ruling coalition is prepared to engage in a discussion with the DPJ on a compromise or revised law were quickly and publicly rejected by DPJ leaders.

14. (C) Liberal Democratic Party (LDP) Lower House member and former Defense Minister Shigeru Ishiba offered a pessimistic outlook on prospects for DPJ cooperation on the Anti-Terror Law. Ishiba has advocated scrapping that bill and introducing instead a Permanent Self-Defense Force (SDF) Dispatch Law that would facilitate Japan's OEF mission and other overseas deployments without the cumbersome legislative authorization process currently in place. He commented that a "risk-averse" Abe cabinet may not endorse this approach, but said he may try to work with like-minded members of the DPJ, which in principle supports a permanent law, to pass a Member-drafted (vice government-submitted) bill in the current session. Ishiba admits Komeito opposition to a general law is a barrier, but predicted to Embassy Tokyo that he could pull enough votes from conservative DPJ Diet members to pass the bill. Ex-Defense Minister Koike told us Ishiba's plan is "best" in the long term, but impossible to implement at this point without Komeito backing.

15. (C) While Ishiba has been actively seeking to find a creative way forward, other government and ruling party politicians say that they are still waiting for top level guidance from the new cabinet. Cabinet Counselor for National Security Affairs Kenji Takahashi told Embassy Tokyo that Japanese agencies could do little more than prepare briefing slides for the past month while they wait for the new cabinet to be selected and settle in office. MOFA Foreign Policy Bureau Deputy Director General Kazuyoshi Umemoto commented that revising the Anti-Terrorism Law will have to be solved by the politicians, not the bureaucrats.

DPJ: Waiting for Orders  
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16. (C) The picture is much the same on the DPJ side of the aisle. Keichiro Asao, the DPJ's ranking member on the Upper House Security/Foreign Affairs Committee, told the Embassy that there have been no internal meetings on the Anti-Terror Law or clear instructions on how the party plans to proceed. DPJ moderates are working to create a "soft-landing" on the bill, according to Lower House Anti-Terror Special Committee ranking member Kazuhiro Haraguchi, that would allow the mission to continue with greater Diet oversight.

17. (C) Nevertheless, Haraguchi and other DPJ conservatives emphasize that they are constrained by DPJ leader Ozawa's iron grip on the party. Former party leader and leading DPJ conservative Seiji Maehara commented that "after an election victory like the one on July 29, no one will challenge Ozawa's position." Maehara indicated that moderates are increasingly looking for a formula that would have the DPJ quickly vote down the bill in the Upper House so that the Lower House, where the ruling coalition has a two-thirds majority, can re-enact it. The alternative, letting the bill languish in the Upper House committee for the 60 days allowed under Diet rules, would result in the mission being suspended when the current authorization expires on November 1.

18. (C) The Cabinet Office's Takahashi noted that the biggest challenge is not how to address DPJ concerns on the contents of the law, but rather how to deal with Ozawa's attempt to use the bill to weaken the Abe cabinet and force an early dissolution of the Lower House. If this is his priority, Takahashi mentioned, then he will simply run down the clock. He acknowledged that there are few work-around alternatives to keep Japan's ships in the area beyond November 1 if the DPJ decides to filibuster.

Looking for Outside Help  
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19. (C) Recent Japanese editorials have suggested that only foreign pressure can effectively dissuade Ozawa from playing

politics with the OEF law. The Japanese media has been sharply critical of Ozawa's performance during an August 8 meeting with the Ambassador, and editorials have generally chided the DPJ's narrowly domestic approach on the issue. In order to respond to such criticism, some DPJ members have suggested offering new proposals for Japanese international contributions. DPJ officials admit, however, that there is nothing concrete in the works. Efforts by coalition embassies, including a strong expression of support for continued refueling delivered directly to Ozawa by visiting German Chancellor Merkel, OpEds placed by coalition members in the Japanese press, and a Diet briefing in mid-September also by coalition members are likely to further highlight the impact a Japanese withdrawal from the OEF MIO will have on Japan's international image.

Comment

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¶10. (C) The OEF mission will be the main event in the upcoming Diet session and the first real test of whether and how the Japanese government can operate with a divided legislature. The appointment of heavy-hitters like Machimura and Komura to key national security posts is a positive development. Nevertheless, the government still seems uncertain about how to approach the politically savvy Ozawa on the issue. International efforts, such as the recent op-ed by the UK Foreign Secretary in the Yomiuri Shimbun, will likely continue to play a critical role in shaping public and media opinion.

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